

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CARRIE ANN SPENCER,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-cv-01151

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

On September 28, 2010, Plaintiff Carrie Ann Spencer filed her Complaint for Review of the Decision of the Commissioner of Social Security [Docket 1]. By standing order entered September 2, 2010, and filed in this case on September 29, 2010, this case was referred to Magistrate Judge Mary E. Stanley for submission of Proposed Findings and a Recommendation (“PF&R”) pursuant to 28 U.S.C. § 636. On November 11, 2011, Defendant filed his brief supporting his final decision (Docket 10). On December 6, 2011, Judge Stanley filed her PF&R (Docket 11) recommending that the Court affirm the final decision of the Commissioner and dismiss this case.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir.1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir.1984). In addition, this Court need not conduct

a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir.1982).

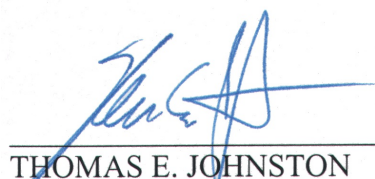
Objections to the PF&R were due December 23, 2011. Neither party filed any objections.

Accordingly, the Court **ADOPTS** the PF&R, **AFFIRMS** the final decision of the Commissioner, and **DISMISSES** this case from the Docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: March 14, 2012

A handwritten signature in blue ink, appearing to read 'Thomas E. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE